

NEWS RELEASE



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For Immediate Release

NEWS RELEASE SUMMARY - March 18, 2005

Yesterday at 4:00 p.m., a federal jury rendered verdicts in favor of the government in a civil rights action filed by two former U.S. Customs Special Agents against the Secretary of the United States Department of Homeland Security. The verdicts followed a twelve-day trial in the United States District Court for the Southern District of California. The two plaintiffs in the case, Darlene Fitzgerald and Sandra Nunn, claimed the government had discriminated against them based on gender and retaliated against them for their involvement in protected EEO activities, in violation of Title VII of the Civil Rights Act of 1964. The claimed discrimination and retaliation allegedly occurred over a three-year period from 1996 to 1999.

As head of the United States Department of the Treasury, Paul H. O'Neill was originally named as the defendant in this suit. Following the creation of the United States Department of Homeland Security and resulting reorganization of the United States Customs Service, Secretary Tom Ridge replaced Secretary

O'Neill as the defendant. On February 15, 2005, Michael Chertoff succeeded Secretary Ridge as Secretary and, consequently, as the defendant in this suit. The plaintiffs did not contend that any of these cabinet officials were personally involved in the events leading up to the suit.

Ms. Fitzgerald, who was assigned to the U.S. Customs office in Riverside, accused the government of interfering with her drug smuggling investigations, among other things, to retaliate for her EEO activities. She also claimed she was denied promotion because of her gender. Ms. Nunn, who was assigned to U.S. Customs and DEA offices in Los Angeles and Long Beach, claimed she was transferred and suspended in retaliation for her EEO activities. Both plaintiffs also claimed that the government made their working conditions so unbearable that they were compelled to resign. The government denied the allegations of retaliation and discrimination, and asserted that all of its actions were legitimate law enforcement and management decisions.

At the end of a twelve-day trial that included nine days of testimony, the jury needed less than a day of deliberations to find that Ms. Fitzgerald and Ms. Nunn had not proven their claims.

United States District Judge Roger T. Benitez presided over the trial. Attorney Gastone Bebi of the Law Offices of Gastone Bebi represented Ms. Fitzgerald. Attorney John P. Stennett of Stennett & Stennett represented Ms. Nunn. Assistant U.S. Attorneys Timothy C. Stutler and Beth A. Clukey defended the Secretary of the Department of Homeland Security.